

Remarks/Arguments:

This Amendment is intended to be a complete response to the Office Action made Final dated December 6, 2006, and the case is now believed to be in better condition for allowance. Accordingly, reconsideration and allowance is respectfully requested. Claims 1-8 are pending in the application, and stand rejected at present.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parlar et al. (USP 6,631,764) in view of Fischer et al. (USP 3,753,903). Claim 1 has been amended herein to overcome the rejection. Applicant declares that no new matter is added by this amendment, and support in the specification as filed is located at paragraphs (0008) and (0029). The combination of Parlar and Fischer does not teach or suggest a method using a composition consisting of gravel and a brine-in-oil emulsion carrier fluid, where the selection of a brine-in-oil forming emulsifier is limited to a sorbitan fatty acid ester emulsifier is based upon the ratio of the shoulder peak relative to the monomer peak when analyzed by gel permeation chromatography. Therefore, without a teaching or suggestion, thus motivation to combine, the invention as claimed is non-obvious over the combination of references.

Amendments to the independent claims have been made to place the application in better condition for allowance. Amendments made to the independent claims are applicable to the claims dependent thereon. Applicants submit that this paper is fully responsive to the comments in the Office Action and respectfully solicit for this application to be granted in light of these amendments and remarks. If the Examiner believes that the prosecution of the application would be facilitated by a telephone interview, Applicants invite the Examiner to contact the undersigned at 281-285-8606. The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 04-1579 (56.0773).

Appl. No. 10/707,658
Amdt. Dated: February 2, 2007
Response to Office Action Dated December 6, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D L Cate', written in a cursive style.

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